

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 8:30 am.
Wednesday, May 13, 2015

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission of Clark County Ohio, calls the meeting to order at 8:30 am.

Present: Mr. Ken Brust, Mr. Wayne Leis, Mr. Pete Lane, Mr. John Hays and Mr. Bob Jurick

Absent: Mr. Jon Hostasa

Chairperson Brust explains how the meeting will be held.

Chairperson Brust asks if there are any comments regarding the minutes. Hearing none, he asks for a motion to approve the minutes.

NOTE: The minutes from January 14, 2015 could not be voted on due to lack of eligible voting Board Members.

RZC:5-07-2015: Minutes ~ February 11, 2015 ~ Regular Meeting

Motion by Mr. Lane, seconded by Mr. Hays, to approve the minutes as presented.

VOTE: Yes: Mr. Lane, Mr. Hays, Mr. Brust and Mr. Leis

No: None

Abstain: Mr. Bob Jurick

Motion carried unanimously.

Z-2015-01~ Rezoning ~ Property Owner: Sarah Overholser ~ Location 6976 River Road ~ 0.698 acres from I-1 to A-1 (house property split between Moorefield Township and German Township)

Mr. Neimayer presented the case. The subject property and the surrounding properties in Moorefield Township were originally zoned M-2 (Second Industrial District) on the November 1959 township zoning map. That industrial designation was changed to I-1 on the February 1990 township zoning map and has remained as such – see zoning map. When US 68 (the divided highway) was constructed, the properties to the west were split and technically became landlocked parcels in Moorefield Township. Today, those parcels are accessed from River Road in German Township. Following the construction of US 68, those Moorefield Township properties should have been rezoned to A-1 to be consistent with the abutting properties in German Township.

Mr. Neimayer also stated that the subject property, PID #230-03-00035-100-052, consists of 0.698 acres and is currently zoned I-1 (Industrial District). The house property is split between Moorefield and German Townships – see location map. The owner is selling the property and, to satisfy the lending institution, needs to rezone the 0.698 acres from I-1 (Industrial District) to A-1 (Agricultural District).

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Mr. Neimayer stated that The CROSSROADS Land Use Plan identifies the subject area in Moorefield Township as “*Rural Residential*”: “*Rural residential development (1 dwelling per acre or less – gross density) should be directed to portions of Moorefield and Springfield townships. These specific areas are north of Moorefield Road, east of Buck Creek State Park and south of I-70. A clustered, open-space design to residential subdivisions should be stressed, with significant open space components permanently set aside to minimize visual and environment impact. Alternative technologies for wastewater treatment and disposal should be considered where sanitary sewer is unavailable*”.

Mr. Neimayer also stated that the land use of the subject property will not change. Due to the house site being split between two different tax districts, the property will remain a separate parcel. Staff recommends the Applicant’s request to rezone the subject property from I-1 to A-1 be approved.

The County Planning Commission (CPC) met on May 6, 2015 to review this rezoning case. Following discussion, the CPC passed a motion to recommend to the Rural Zoning Commission that the Applicant’s request to rezone the subject 0.698 acres from I-1 to A-1 be approved as presented

Mr. Neimayer asked if there were any questions from the Board.

Mr. Hays asked if the Board was only considering rezoning the one little parcel.

Mr. Neimayer stated that is correct.

Chairperson Brust asked if the other parcels that are also zoned I-1 should be rezoned.

Mr. Neimayer stated that they should be rezoned and that process would have to be initiated by either the Rural Zoning Commission or the County Commissioners.

Hearing no further questions, Chairperson Brust opened this portion of the public hearing. Chairperson Brust asked if anyone would like to speak on behalf of the rezoning case. No one was present.

Chairperson Brust closed this portion of the public hearing.

Hearing no questions or comments from the Board, Chairperson Burst asked for a motion.

RZC: 5-08-2015: Z-2015-01: Rezoning ~ Property Owner: Sarah Overholser ~ Location 6976 River Road ~ 0.698 acres from I-1 to A-1 (house property split between Moorefield Township and German Township)

Motion by Mr. Hays, seconded by Mr. Jurick, to recommend **Approval** of rezoning case #Z-2015-01 from I-1 to A-1 as presented.

VOTE: Yes: Mr. Hays, Mr. Jurick, Mr. Leis and Mr. Lane

No: None

Motion carried unanimously.

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Z-2015-02 ~ Rezoning ~ Property Owners: Robert & Patricia Baise ~ Location 6242 Harvest Street ~ 5.0 acres from AR-5 to A-1 ~ Moorefield Township

Mr. Neimayer stated that the subject property is located at 6242 Harvest St. in Moorefield Township. It is a 5.0 acre split approved in March 2002 from the Randi's Range subdivision and was rezoned to AR-5 (Agricultural/Residential District). The surrounding land use is single-family residential. Property to the north, The Knolls subdivision, is zoned A-1 (Agricultural District). Randi's Range subdivision is to the south and west. Property to the south is zoned A-1 while property to the west is zoned R-1 (Rural Residential District). Further south along Willow Road is Riegel Acres subdivision zoned R-1 in 1992. Other properties along Willow Road are zoned A-1 as are properties along Morris Rd. to the east.

Mr. Neimayer also stated that in order to increase his rear yard area, the Applicant would like to purchase 1.0 acre from the Owner's property and attach that one acre to his existing parcel in The Knolls Subdivision. In reviewing this proposal, it was discovered that the Owner's property would become a non-conforming parcel as the AR-5 zoning district requires a minimum lot size of 5.0 acres. Therefore, the Owner has filed this rezoning application to change the zoning from AR-5 to A-1.

Mr. Neimayer stated that The CROSSROADS Land Use Plan identifies the subject area in Moorefield Township as *"Rural Residential": "Rural residential development (1 dwelling per acre or less – gross density) should be directed to portions of Moorefield and Springfield townships. These specific areas are north of Moorefield Road, east of Buck Creek State Park and south of I-70. A clustered, open-space design to residential subdivisions should be stressed, with significant open space components permanently set aside to minimize visual and environment impact. Alternative technologies for wastewater treatment and disposal should be considered where sanitary sewer is unavailable"*.

Mr. Neimayer stated that this rezoning request is not to change existing land use. Rather, it is to allow the Applicant to acquire additional rear yard area and leave the Owner's remaining property in zoning compliance. Therefore, Staff recommends the request to rezone the subject property from AR-5 to A-1 be approved as presented.

The County Planning Commission (CPC) met on May 6, 2015 to review this rezoning case. Following discussion, the CPC passed a motion to recommend to the Rural Zoning Commission that the Applicant's request to rezone the subject 5.0 acres from AR-5 to A-1 be approved as presented.

Mr. Neimayer asked if there were any questions from the Board.

Hearing no questions, Chairperson Brust opened this portion of the public hearing. Chairperson Brust asked if anyone would like to speak on behalf of the rezoning case.

Ms. Marlene Rollins, whose address is 3129 Sandalwood, asked where the other house is going to be built. She asked if the Applicant planned on building another house.

Chairperson Brust stated that all the Applicant is trying to do is to purchase an additional acre and add it to his property with frontage on Tamarack Avenue. He is just looking for a bigger back yard.

Ms. Rollins asked how close this property is to Sumac Avenue.

Mr. Neimayer pointed out where Sumac Avenue was located. He also stated that the Applicant cannot build another house on the property.

Ms. Rollins asked if the Applicant could build anything at all on the property.

Mr. Neimayer stated that in the future the Applicant could put some sort of storage shed on it but not a second house.

Chairperson Brust asked if anyone else would like to speak on behalf of the rezoning case. There were none.

Chairperson Brust closed this portion of the public hearing.

Hearing no questions or comments from the Board, Chairperson Brust asked for a motion.

RZC: 5-09-2015: Z-2015-02; Rezoning ~ Property Owners: Robert & Patricia Baise ~ Location 6242 Harvest Street

Motion by Mr. Leis, seconded by Mr. Hays to recommend **Approval** as presented.

VOTE: Yes: Mr. Leis, Mr. Hays, Mr. Lane and Mr. Jurick

No: None

Motion carried unanimously.

Mr. Hays stated that he would abstain from Case # Z-2015-05 and removed himself from the Board.

Z-2015-05 ~ Rezoning ~ Property Owners: Shawn & Sandra Markley ~ Location 0 Springfield-Jamestown Road ~ 4.33 acres from A-1 to B-3'S' for a vehicle towing and repair business ~ Green Township

Chairperson Brust presents the case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer stated that the request is to rezone 4.33 acres from A-1 to B-3'S' for a vehicle towing and repair business. The subject property is located behind 6187 Springfield-Jamestown Rd. in Green Township – Parcel #100-12-00034-100-005. It is a landlocked parcel consisting of 4.33 acres and currently zoned A-1 (Agricultural District). The Applicants are requesting to rezone the property from A-1 to B-3'S' for a vehicle towing and repair business – see Applicant's narrative and site drawings.

Mr. Neimayer also stated that the adjacent properties along the west side of Springfield-Jamestown Rd. were zoned R-1 (Rural Residence District) on the May 1984 township zoning map. Other properties in this area were zoned A-1 and remain as such today. On March 13, 1984, a 0.273 acre tract of land on the east side of Springfield-Jamestown Rd. approximately 875 ft. north of Jackson Rd. (southeast of the subject property) was rezoned to B-2 (Community Business District) for a retail and repair shop for lawn mowers and chain saws.

Mr. Neimayer stated that the subject area is east of Springfield-Beckley Municipal Airport and located in District 3 of the airport's zoning overlay. Use restrictions under the zoning overlay: "... *no use may be made of and within any zone established by these regulations in such a manner as to create electrical interference with radio communication between airport and aircraft, make it difficult for airmen to distinguish between airport lights and others, result in glare in the eyes of airmen using the*

Airport, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft”.

Mr. Neimayer stated that there have been some code enforcement issues with this property in the past. There has been some clean up and now the Applicants are trying to get the proper zoning for their intended use of the property. There has not been anything received from the Health Department concerning this case. If the rezoning is approved they will need to work with the Health Department concerning on-site utilities or the Ohio EPA.

Mr. Neimayer also stated that the subject area, west of Springfield-Jamestown Rd. between SR 794 and W. Jackson Rd., is adjacent to the Springfield-Beckley Municipal Airport. As such, the CROSSROADS Land Use Plan identifies this subject area as *“Mixed Industrial”*: *“Industrial development will be directed to existing industrial areas that are serviced or can be easily serviced with central water and sewer utilities, and where easily accessible by interstate and state highways and rail”*.

Mr. Neimayer stated that there has been no movement following the adoption of the land use plan to redevelop the area east of the airport to SR 72 to industrial. Due to the proximity of the airport, residential subdivisions in this area are unlikely. Although the proposed use of the subject property is supported by the CROSSROADS Land Use Plan, Staff does not support rezoning the property to a straight B-3 zoning district. Staff does support rezoning the subject property to a B-3 ‘S’ with the Specific Use of a vehicle towing and repair business and subject to the following conditions: 1) the Applicants receive approval from the Combined Health District for on-site utilities associated with these uses; and 2) the Applicants establish and record an ingress-egress easement for permanent access to the 4.33 acres from Springfield-Jamestown Rd.

The County Planning Commission (CPC) met on May 6, 2015 to review this rezoning case. Following discussion, the CPC passed a motion to recommend to the Rural Zoning Commission to reject the Applicant’s request to rezone the subject 4.33 acres (i.e., to deny the rezoning from A-1 to B-3‘S’ as requested).

Mr. Terry Shaffer, Community Development Code Enforcement, stated that there have been some complaints of various cars and activity on the subject property.

Mr. Neimayer asked if there were any questions from the Board.

Chairperson Brust asked if it is true that the proposed parcel for rezoning abuts 5 properties, one of which is owned by the Applicants.

Mr. Neimayer stated that is correct and depending on the use of the property there could be screening requirements being next to residential lots.

Mr. Jurick asked Mr. Shaffer to elaborate on the complaints.

Mr. Shaffer stated that there have been some complaints to the Green Township Trustees and also from various neighbors that the Applicants have been working on and storing cars. Also, that people are showing up at various hours knocking on doors trying to find the towing company looking for their cars. The Applicants were notified by letter of the zoning violation. The Applicants then moved their business to the City of Springfield and at one time ceased business at the subject property on Springfield-Jamestown Road. The Applicants live at 6187 Springfield-Jamestown Road and drive the tow trucks home. Some residents are not in favor of that.

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Mr. Jurick asked if it would be appropriate to modify the CROSSROADS Land Use Plan that was adopted quite some time ago.

Mr. Neimayer stated that it would be appropriate for the Rural Zoning Commission to make a motion to pass on to the County Planning Commission to that effect.

Chairperson Brust asked if there were any further questions or comments. Hearing none Chairperson Brust opened this portion of the public hearing at 9:10 am.

Mr. Shawn Markley, Applicant whose address is 6187 Springfield-Jamestown Road, stated that he was the property owner at 6187 Springfield-Jamestown Road. He stated that they have had some complaints in the past on the property. He also does a lot of mechanical work for himself on the property. The business has been moved for approximately one year to 413 Scott Street in Springfield. All of the towing business goes to Scott Street. The office now closes at 5:00 pm. Previously, it was closing at 6:00 pm. The only traffic currently would be law enforcement calls that come in after hours.

Mr. Markley stated that he had spoken to his direct neighbors for the most part and have not had any objections. The business closes at 5:00 pm after which the phones are directed to a night dispatch. The business has been struggling since moving in town due to the bills. That is the purpose of applying for the rezoning to cut some of the cost down and keep the business going.

Mr. Markley also stated that he has been in this business for five (5) years and has sixty-three (63) contracts and also work with the local law enforcement.

Chairperson Brust asked if there were any further questions from the Board. Hearing none he asked if anyone would like to speak on behalf of the rezoning. Hearing none he asked if anyone would like to speak in opposition.

Mr. Raymond Jenkins, whose address is 6210 Springfield-Jamestown Road, stated that he and his wife have lived in Green Township for approximately thirty-seven (37) years and in their current residence for thirty (30) years.

Mr. Jenkins stated that about two years ago the Markley's moved their towing business to the subject property. He stated that the business is on the west side of the road catty cornered to his property on the east side of the road. There have been a plethora of problems such as noise, vehicles coming in and out all hours. Mr. Jenkins also stated that with this rezoning he has some environmental concerns such as ground water contamination and leakage of diesel fuel. He is also concerned about the depreciation of his property which he built in 1984. There has been an increase in traffic and noise and is quite a nuisance and disruption to the peace and tranquility to the residential area. Mr. Jenkins submitted a letter to the Board.

Mr. Robert Dubie, whose address is 6443 Springfield-Jamestown Road, stated that he had a petition opposing the rezoning request that he took to many neighbors and received 41 signatures. He said that the rezoning would create a nuisance to families and the neighborhood. The only two property owners that would not sign the petition are the neighbors to each side of the Markley's (6211 and 6169 Springfield-Jamestown Road). The petition was presented to the Board.

Mr. Kirby Denson, whose address is 145 E. Jackson Road, asked the Board if any of them had been by the property. He stated that it is a dump for cars beyond repair and hundreds of tires piled up. It is not a repair business. Mr. Denson also stated that all the homes in the area are on wells and there is a concern about water contamination.

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Chairperson Brust asked if anyone else would like to speak.

Mr. William Sparks, whose address is 6133 Springfield-Jamestown Road, stated that his property abuts up to the proposed property to be rezoned. He does not want to wake up and look out and see a bunch of junk cars piled up.

Chairperson Brust stated that was one concern that he had the proposed property abuts several other properties along Springfield-Jamestown Road and wondered how that would be addressed.

Mr. Sparks stated that currently there are eight or nine cars there.

Chairperson Brust asked if anyone else would like to speak.

Chairperson Brust asked if the property owner would like a rebuttal.

Mr. Markley stated that he would like to comment about the contamination. The EPA and the Health Department governs any outdoor repair facility. The vehicles that would be towed to the property will require a privacy fence around them due to the fact they are law enforcement vehicles and need to be secured. Mr. Markley stated that there are junk vehicles currently on the property, four (4) of those are repairable.

Chairperson Brust hearing no further discussion asked for a motion.

RZC: 5-10-2015: Z-2015-05; Rezoning ~ Property Owners: Shawn & Sandra Markley ~ Location 0 Springfield-Jamestown Road (PID #100-12-00034-100-005)

Motion by Mr. Lane, seconded by Mr. Leis to recommend **Approval** as presented.

VOTE: Yes: None

No: Mr. Lane, Mr. Leis, and Mr. Jurick

Motion failed unanimously. (i.e., the RZC does not approve the rezoning request.)

Mr. Hays returns to the Board at 9:26 am.

Staff Comments

Mr. Neimayer states the next scheduled meeting is Wednesday, June 10, 2015.

Adjournment

RZC: 5-12-2015: Adjournment

Motion by Mr. Hays, seconded by Mr. Jurick, to adjourn.

VOTE: Motion carried unanimously

The meeting was adjourned at 9:40 am.

Mr. Ken Brust, Chairperson

Mr. Thomas A. Hale, Secretary